

9 FAM 42.73 Procedural Notes

(TL:VISA-285; 05-17-2001)

9 FAM 42.73 PN1 Completing Form OF-155B

(TL:VISA-63; 7-30-92)

Form OF-155B, Immigrant Visa and Alien Registration, is a pre-numbered, controlled form on safety paper. The number on the form becomes the immigrant's INS alien registration "A" number upon entry. Regardless of whether posts enter information manually or use the Immigrant Visa Applicant Control System (IVACS) which enters information automatically on Form OF-155B, signing officers must ensure that information entered on Form OF-155B is complete and correct. This will assist INS in processing the Alien Registration Receipt Card and speed the delivery of the card to the immigrant. [See 9 FAM 42.73 PN4 of this section.]

9 FAM 42.73 PN1.1 Blocks on Form OF-155B Not to be Completed

(TL:VISA-185; 02-26-1999)

a. Posts shall **not** complete the following blocks on Form OF-155B:

- (1) "ACTION BY IMMIGRATION INSPECTOR;"
- (2) "THE IMMIGRANT NAMED ABOVE ARRIVED IN THE UNITED STATES VIA;"
- (3) "ACTION OF I.J.;"
- (4) "ACTION ON APPEAL;" and
- (5) "USPHS" (unless a Class A or B medical situation exists).

See 9 FAM 42.73 PN1.10.

b. If the INS file number is shown on an approved petition (particularly in employment-based preference cases), posts shall note it in the "INS FILE #, IF KNOWN" block; if not, the officer shall leave that block blank. [See 9 FAM 42.73 PN1.8 and 9 FAM 42.73 PN1.9 regarding the "IMMIGRANT VISA NO." block and "PASSPORT" section, respectively.]

9 FAM 42.73 PN1.2 Visa Recipient Name

9 FAM 42.73 PN1.2-1 Consistent Spelling of Aliens' Names on Visas and Passports

(TL:VISA-185; 02-26-1999)

a. In order to avoid difficulty in identifying and processing aliens coming into the United States, INS requires that an alien's name be spelled on Form I-94, Arrival and Departure Record, exactly as the name appears on the alien's passport. Consular officers shall assist INS by ensuring that the names of visa applicants are spelled the same on their visa applications (Form OF-230 I and II), visas (Form OF-155B), and passports. If an alien's name has been misspelled on the passport, the alien must have the passport amended to show the correct spelling. All other documents must also show the same correct spelling.

b. A female alien who marries subsequent to the filing of the petition (Form I-130 or Form I-140) but prior to visa issuance, must indicate this on Form OF-230 by listing her maiden name as an "AKA". If Form OF-230 has already been submitted, the alien must advise the consular officer of the marriage to ensure that Form OF-230 is amended. Posts shall also include the maiden name on Form OF-155B as indicated in 9 FAM 42.73 PN1.2-2. It is not necessary for an alien falling within the purview of this note to obtain a new or amended passport unless local regulations so require.

9 FAM 42.73 PN1.2-2 Alias Information Shown on Form OF-155B

(TL:VISA-185; 02-26-1999)

a. Posts shall add alias information to the cover sheet to assist INS in processing immigrant visas subsequent to the alien's admission. IVACS has the capability to print the information on Form OF-155B but non-IVACS posts shall add alias names manually following these instructions:

(1) **Alignment.** If applicable, posts shall add one alias name for each applicant in the space below the form's title, "Immigrant Visa and Alien Registration"—exactly three lines above the space for the applicant's name. If the applicant has no alias, print nothing in the space.

(2) **Identification of Alias Information.** Posts shall identify the space used to print the alias with the letters "AKA", which must be manually typed in at non-IVACS posts. Posts shall align "AKA" with the first parenthesis of the phrase "(Family Name)" in order that the heavy black line located two spaces to the left of the form's title falls in the three blank spaces between the colon of "AKA:" and the first character of the alias surname.

(3) **Format.** Posts shall write out the complete alias (including maiden name if not used as the principal name) in the same format as the principal name. The alias line shall read:

AKA: Last name, first name, middle name

b. Posts shall limit alias information to names that identify the individual. Posts shall include maiden names, anglicized names, which may have been used in the United States, and other distinct names used by the alien. Posts shall not, however, include nicknames derived from the real names.

9 FAM 42.73 PN1.2-3 Spanish Name Indexing

(TL:VISA-39; 9-28-90)

Posts shall enter Spanish names on Form OF-155B in strict compliance with the instructions in 9 FAM PART IV Appendix F, 708 . These instructions accord with the INS indexing system and must be followed. Posts shall enter Spanish names in the same sequence on visa applications, visas, and passports.

9 FAM 42.73 PN1.3 “City and Country Of Birth” and “City and Country of Last Residence”

(TL:VISA-185; 02-26-1999)

a. Posts shall enter the city and country in these blocks with the name of the city preceding the name of the country. Posts shall not include additional information, nor shall the name of a state or province be substituted for the name of a country. (**NOTE:** “CITY AND COUNTRY OF LAST RESIDENCE” refers to the last residence outside the United States. A U.S. address shall not be entered in this block.)

b. Exception for Tibetans: Applicants of Tibetan origin who are properly chargeable to China have occasionally vehemently protested the policy of showing China on their immigrant visa as their country of chargeability and/or place of birth. In such instances, the general policy of showing the country of chargeability and the fact that Tibet is part of China for visa chargeability purposes must be explained to the applicant. Consular officers may make exceptions to showing China as the country of chargeability in individual cases upon consideration of all the circumstances, provided that the internal records of the Department clearly permit the visa to be tracked to China for chargeability purposes. This may be done by entering the code "CCCC" into the computer program that generates form OF-155B, which will result in "unassigned" appearing in the relevant places on the visa.

9 FAM 42.73 PN1.4 “Mother’s First Name” and “Father’s First Name”

(TL:VISA-39; 9-28-90)

Posts shall ensure that only the first (given) name of each parent appears in these blocks. Only in the case of a hyphenated name shall more than a single name be included. Additional names or the full name shall not be included.

9 FAM 42.73 PN1.5 “Final Address in United States”

(TL:VISA-39; 9-28-90)

Posts shall ensure that the final address in the United States is complete and accurate, including a ZIP code when it can be determined. Posts shall enter the State in the form of the official two-letter U.S. postal code. [See 9 FAM 42.73 Exhibit I.]

9 FAM 42.73 PN1.6 “Section 212(a)(5)(A)” Block

(TL:VISA-185; 02-26-1999)

Posts shall indicate one of the following in this block, “NOT APPLICABLE,” “NOT REQUIRED,” or “ATTACHED,” to indicate how the immigrant qualified under INA 212(a)(5)A). Posts shall apply the following criteria to determine the appropriate notation:

(1) **Not Applicable**—refers to derivatively classified employment-based preference immigrants.

(2) **Not Required**—refers to applicants not specified in INA 212(a)(5), that is, priority workers, employment-creation investors, immediate relatives, special immigrants, family-sponsored immigrants.

(3) **Attached**—refers to employment-based immigrants (E2 and E3), or which certification is required.

9 FAM 42.73 PN1.7 “Immigrant Classification” Section

(TL:VISA-185; 02-26-1999)

Posts shall enter, under “CLASSIFICATION SYMBOL”, the symbol for the category of the visa being issued. [See 9 FAM 42.11.] Under “FOREIGN STATE/OTHER AREA LIMITATION”, posts shall enter the foreign state to which the alien is chargeable. If the foreign state chargeability under which the visa is issued differs from the foreign state or dependent area of birth, posts shall make reference to the appropriate provision of INA 202(b) after the country shown in this block to indicate the basis for entitlement to alternate foreign state chargeability. For example, if a child born in China is being charged to the Malaysian foreign state limitation of the accompanying parents, enter “Malaysia - 202(b)(1)”. Posts need not complete the “FOREIGN STATE/OTHER AREA LIMITATION” block on visas issued to immediate relatives or special immigrants. Posts shall leave the “IMMIGRANT VISA NO.” block blank in these cases. A post with its own sequential numbering system may insert the number assigned by the post. If the Form OF-155B is prepared by IVACS, the “IMMIGRANT VISA NO.” field will contain the IVACS case number preceded by the post code.

9 FAM 42.73 PN1.7-1 Notation for Involuntary Membership

(TL:VISA-63; 7-30-92)

When an applicant is found to have been an involuntary member of the Communist Party or an affiliated organization, posts shall insert the letter “(ii)” on Form OF-155B, immediately following the visa classification symbol; for example, “IR-1(ii)” on an immediate relative visa. If IVACS prepares the Form OF-155B, this information must be added manually.

9 FAM 42.73 PN1.7-2 Notation for Past Membership

(TL:VISA-63; 7-30-92)

When an applicant has been granted a waiver under section 212(a)(3)(D)(iv) because membership in the Communist Party has been terminated, posts shall insert (iii) on Form OF-155B immediately after the classification symbol. [See 9 FAM 40.34 Related Statutory Provisions.] If IVACS prepares Form OF-155B, this information must be added manually.

9 FAM 42.73 PN1.7-3 Notation for Close Family Member of Communist Party

(TL:VISA-63; 7-30-92)

When the parent, spouse, son or daughter of a U.S. citizen, or alien lawfully admitted to the United States or the sister or brother of a U.S. citizen is a member of the Communist Party or an affiliated organization, has been granted a waiver, posts shall insert the letter "(iv)" on Form OF-155B, immediately following the visa classification symbol; for example, "IR-1(iv)" on an immediate relative visa. If IVACS prepares Form OF-155B, posts must add this information manually.

9 FAM 42.73 PN1.7-4 Amerasian Notation Under Pub. L. 97-359

(TL:VISA-185; 02-26-1999)

Pub. L. 97-359 requires INS to report statistics on Amerasians and their dependents who receive immigrant visas under the terms of that law. So that INS inspectors at ports of entry may be able to identify these cases, posts shall enter the regular immigrant visa classification symbol on Form OF-155B followed by the INS class of admission code for Amerasian applicants in parentheses. If Form OF-155B is prepared by IVACS, posts shall add this information manually. Posts shall use the following codes on immigrant visas issued to Amerasians under Pub. L. 97-359:

- (1) IR-2 (AR-1): child of U.S. citizen (immediate relative Amerasian).
- (2) F11 (A1-1): unmarried son/daughter of U.S. citizen (first preference Amerasian).
- (3) F12 (A1-2): child of a first preference Amerasian.
- (4) F31 (A4-1): married son/daughter of U.S. citizen (fourth preference Amerasian).
- (5) F32 (A4-2): spouse of a fourth preference Amerasian.
- (6) F33 (A4-3): child of a fourth preference Amerasian.

9 FAM 42.73 PN1.7-5 Applicants to be Classified as Conditional Immigrants

(TL:VISA-185; 02-26-1999)

a. The administration of the Immigration Marriage Fraud Amendments of 1986 falls mostly on the Immigration and Naturalization Service.

b. The primary responsibility of consular officers is to identify at the time of visa issuance marriages of less than two years which have been the basis of petition approval. If an applicant's basis for immigration is a marriage to a petitioner which was entered into less than two years prior to the date of visa issuance, the consul shall classify the applicant as a "conditional immigrant" using the appropriate symbol listed below:

- (1) CR1: Spouse of a U.S. citizen.
- (2) CR2: Child of a U.S. citizen.
- (3) C21: Spouse of alien resident (subject to country limitation).
- (4) C22: Child of alien resident (subject to country limitation).
- (5) C23: Child of C21 or C22.
- (6) CX1: Spouse of Alien Resident (exempt from limitations).
- (7) CX2: Child of Alien Resident (exempt from limitations).
- (8) CX3: Child of CX1 or CX2.
- (9) C24: Unmarried son/daughter of alien resident.
- (10) C25: Child of C24.
- (11) C31: Married son/daughter of U.S. citizen.
- (12) C32: Spouse of C31.
- (13) C33: Child of C31.

c. The Immigration Act of 1990 creates a conditional status for employment-based 5th preference Employment Creation visas. The appropriate symbols are listed below:

- (1) C51: Employment-creation outside targeted area;
- (2) C52: Spouse of C51;
- (3) C53: Child of C51;
- (4) T51: Employment-creation in targeted area;
- (5) T52: Spouse of T51.
- (6) T53: Child of T51.
- (7) R51: Investor Pilot Program, Not in Targeted Area.
- (8) R52: Spouse of R51.

- (9) R53: Child of R51.
- (10) I51: Investor Pilot Program, Targeted Area.
- (11) I52: Spouse of I51.
- (12) I53: Child of I51.

9 FAM 42.73 PN1.8 “Passport” Section

(TL:VISA-39; 9-28-90)

Under the “PASSPORT” heading on Form OF-155B, posts shall enter the alien’s passport number or the identification of other travel documentation in the space provided. When the passport requirement is waived, posts shall enter the word “waived” and also a reference to the specific regulation under which the waiver was granted. [See 9 FAM 42.2 and 9 FAM 42.64 PN1.] If the immigrant visa is issued to an alien included in the passport or other travel document of another person, posts shall enter that document number or description. Posts shall leave blank all other data fields in this section.

9 FAM 42.73 PN1.9 “USPHS” Block

(TL:VISA-185; 02-26-1999)

In cases involving a Class A waiver for Class A Tuberculosis, HIV/AIDS, or a mental disorder, or a case involving Class B (active but infectious) tuberculosis, posts shall place the annotation “Class A or B(T)” in the USPHS block. When the applicant has tuberculosis in a communicable form, posts should add a notation to that effect in red ink in the USPHS block. [See also 9 FAM 40.11.]

9 FAM 42.73 PN1.10 Name of Issuing Post and Signature of Issuing Officer

(TL:VISA-185; 02-26-1999)

Posts shall ensure that the name of the issuing post is legible. The issuing officer must sign the Form OF-155B.

9 FAM 42.73 PN1.11 Photograph Block

(TL:VISA-285; 05-17-2001)

The visa applicant shall sign the photograph along the right margin. Posts shall attach the photograph to the immigrant visa with special glue requisitioned from the Department (or double-faced adhesive tape, if desired), and a legend machine. Posts shall impress the dry seal of the office on the visa partially covering the photograph and the signature. Posts shall center the legend across the bottom of the photograph. If the legend machine breaks down, posts shall use the office impression seal instead until the legend machine is repaired or replaced. [See 9 FAM 42.65 N9 for photograph requirements.]

9 FAM 42.73 PN1.12 Issuing Replacement Visa

(TL:VISA-185; 02-26-1999)

a. When issuing a replacement or duplicate immigrant visa, post shall type the word "REPLACE" or "DUPLICATE" on Form OF-155B before the word "IMMIGRANT" in the title of the visa.

b. If the visa, with petition attached, is lost or mutilated and issuance of a replacement visa is required, posts shall attach to the replacement visa a certification based on office records. The certification shall include the following:

(1) A statement that the original visa was issued on the basis of an approved petition;

(2) The approval date of the petition;

(3) The approving office;

(4) Any INS file number given;

(5) The status accorded;

(6) A statement that the bearer of the visa is the same person to whom the original visa was issued; and

(7) A statement that satisfactory evidence of the loss or destruction of the original visa and attached petition has been submitted.

c. If the applicant is in a category subject to INA 212(a)(5), posts shall also attach to the replacement visa a certificate indicating, on the basis of office records, the date and type of labor certification that was attached to the original visa or the date and basis for the determination that the labor certification requirements were not applicable.

9 FAM 42.73 PN2 Attaching Supporting Documents to Form OF-230 and Relevant Notations

(TL:VISA-63; 7-30-92)

Posts shall attach all supporting documents to Form OF-230, except medical documents in Class A or B tuberculosis cases and X-ray film. [See 9 FAM 42.73 PN4 below.]

9 FAM 42.73 PN2.1 Petitions

(TL:VISA-185; 02-26-1999)

a. If an approved petition has been received, posts shall attach the petition and any documents affixed thereto to the visa immediately under Form OF-230. (Do not detach the documents from the petition.) If blood tests were required as supporting evidence of the relationship, posts shall attach the report of such tests, or a certified copy thereof, to the petition. If the alien is the beneficiary of more than one petition, posts shall attach all petitions.

b. If the spouse or children of the beneficiary of an approved petition will benefit from the same status, posts shall attach the petition to the visa issued to the principal alien and insert a notation in Items 14A and 14B. of the Form OF-230 executed by each alien.

c. Posts may issue immigrant visas based on telegraphic notifications from INS, or in emergency situations, on the basis of an originally approved Form I-797, Notice of Action. In the case of family-based petitions, all original documentation establishing the claimed relationship should be presented. In the case of employment-based petitions, where documentation is necessary in order to determine job requirements and qualifications of the alien, posts may issue an immigrant visa on the basis of Form I-797, if accompanied by a certified copy of the original Form I-140 petition and supporting documentation which were originally submitted to INS.

d. If the post has been notified telegraphically of the approval of a petition, or the visa is processed on the basis of Form I-797, posts shall attach a copy of the telegram or Form I-797 to the visa of the beneficiary, if the visa is issued before the petition is received. In such case, when the petition is received posts shall return it to the INS approving office with a memorandum indicating:

- (1) Date visa issued;
- (2) Kind of visa and number, if assigned;
- (3) Name of person to whom visa was issued;

(4) Port and date of arrival of beneficiary in the United States, if known; and

(5) Intended place of residence of beneficiary in the United States as stated in the visa.

9 FAM 42.73 PN2.2 Applicants Who Are Subject of Private Legislation

(TL:VISA-185; 02-26-1999)

If an applicant is the beneficiary of a private law, posts shall make a notation under Item 35 of Form OF-230 II, showing the number of the private law and the provision of law which has been waived or from which relief has been, otherwise, granted by the Congress. When possible, posts shall also include a copy of the private law in the supporting documents. If the post is notified by telegram of the enactment of a private law, posts shall include the telegram or a certified copy with the other documents.

9 FAM 42.73 PN2.3 Notations for Waivers Under 212(e), (g), (h) or (i)

(TL:VISA-185; 02-26-1999)

If an applicant has been accorded the benefits of INA 212; (g), (h), or (i), posts shall make a notation under Item 34 of Form OF-230 II regarding the INA section invoked.

9 FAM 42.73 PN2.3-1 Notation to Reapply for Admission

(TL:VISA-185; 02-26-1999)

If consent to reapply for admission has been granted to an applicant, posts shall make a notation reading "212(a)(9)(A)" under Item 34 of Form OF-230 II.

9 FAM 42.73 PN2.3-2 Notation If a Public Charge Bond Posted

(TL:VISA-185; 02-26-1999)

If a public charge bond has been posted on behalf of an applicant, posts shall insert an endorsement in Item 34 on Form OF-230 II showing the amount of the bond and the date and place of posting. [See 9 FAM 40.41 N1.6.]

9 FAM 42.73 PN2.3-3 Notation for Vaccination Waiver

(TL:VISA-185; 02-26-1999)

a. If a vaccination requirement has been waived, posts shall annotate the Form OF-155B by printing or stamping "212(g)(2)(A), (B) or (C)," as appropriate, in the waiver field of the upper right hand corner. If the alien has also benefited from another waiver, posts should place the relevant 212(g)(2) annotation in the free field directly below the immigrant visa registration number. Posts may use a rubber stamp that combines all three waivers, and strike off those that do not apply.

b. Posts should indicate 212(a)(1)(A)(ii) refusals using the code "12V," to avoid confusion with the previous code for ineligibility due to mental/physical disorders, and to ensure accurate data sharing with INS lookouts. Posts should only enter this code for those cases that are not overcome by a waiver.

9 FAM 42.73 PN3 Importance of Proper Assembly of Immigrant Visas and Supporting Documents

(TL:VISA-185; 02-26-1999)

Consular officers shall ensure that visas are prepared strictly in accordance with the prescribed procedure. This is not only to reduce the possibility of fraud, but also to prevent the visas from becoming separated from the proper photographs and related and supporting documents, while in the hands of travel agents, pursers, government officials, the courts, and persons operating INS files over many years.

9 FAM 42.73 PN3.1 Document Arrangement

(TL:VISA-185; 02-26-1999)

With the exception of medical documents in Class A or B tuberculosis cases and X-ray film and the supporting documentation for the affidavit of support, posts shall place all supporting documents face up and attached to each other and to the original of Form OF-230 I and II by staple or round-head brass paper fastener in the top center. Posts shall place the extra photograph (with the alien's name, and the "A" number if known, written on the back) in an envelope. They shall attach it below the other supporting documents by staple in the upper right corner, to permit easy removal by INS. (Staples shall not touch the photo.)

9 FAM 42.73 PN3.2 Document Placement in Envelope

(TL:VISA-63; 7-30-92)

a. Posts shall put Form OF-230 I and II and supporting documents into a 9-1/2"x 12" Kraft envelope with gummed flap and "Foreign Service of the United States of America" and "Official Business" printed thereon, from which the bottom left corner has been cut. Posts shall make the cut by starting 3" from the bottom of the envelope and continuing on an angle of approximately 50 degrees to a point 2 inches from the left side of the envelope, as illustrated in 9 FAM 42.73 Exhibit II. The envelope shall bear the following wording in large type:

IMPORTANT NOTICE:

TO BE OPENED ONLY BY A U.S. IMMIGRATION OR PUBLIC HEALTH SERVICE OFFICER. THIS IS YOUR VISA. IT MUST BE SURRENDERED TO THE U.S. IMMIGRATION OFFICER AT A PORT OF ENTRY INTO THE UNITED STATES DO NOT PACK IT; IT MUST BE HAND-CARRIED.

b. Posts shall place both parts of Form OF-230 and attached documents in the envelope so that the upper left corner of the packet protrudes through the missing corner of the envelope.

9 FAM 42.73 PN3.3 Medical Documents

9 FAM 42.73 PN3.3-1 Aliens with Tubercular Condition

(TL:VISA-185; 02-26-1999)

Posts disposition of the medical documents will vary depending on whether or not a tubercular condition exists. [See 9 FAM 42.66 PN3 and 9 FAM 42.66 PN4.]

(1) In cases which do not involve a Class A or B condition related to tuberculosis, the alien need not hand-carry the X-ray film to the port of entry. In these cases, posts shall attach Form OF-157, Medical Examination, to the Form OF-230 as a supporting document; a separate envelope is not necessary. If the X-ray was hand-carried or sent to the consular office, the post shall give it directly to the alien.

(2) In cases in which a Class A or B tuberculosis condition is present, the alien is required to hand-carry the X-ray film to the United States for presentation at the port of entry. In these cases, posts shall place the original and two copies of Form OF-157 in a separate sealed envelope. (Posts shall not place this separate sealed envelope inside the envelope containing the supporting documents or inside the X-ray envelope.)

9 FAM 42.73 PN3.3-2 Aliens Exempt from Vaccination Requirement

(TL:VISA-185; 02-26-1999)

The adoptive or prospective adoptive parent(s) must provide an original copy of the signed affidavit to a consular officer either prior to or at the time of the visa interview for inclusion in the case file. [See 9 FAM 40.11 Exhibit I.] This copy must be attached to the Form OF-157, Medical Examination, and included with the supporting documents attached to the issued IR-3 or IR-4 visa.

9 FAM 42.73 PN3.4 Affidavit of Support and other Supporting Documents

(TL:VISA-185; 02-26-1999)

The Form I-864, Affidavit of Support Under Section 213A of the Act, [see 9 FAM 40.41 Exhibit II] must be included in the stapled visa packet along with the Form OF-230 and other supporting documents. Supporting documents should be included in the visa packet but should **not** be stapled or grommited to the Form I-864 or other documents attached to the Form OF-230. Supporting documents consist of the following:

- (1) Three years' tax returns;
- (2) Employment letters; and
- (3) Evidence of assets and liabilities (if applicable).

9 FAM 42.73 PN3.4-1 Documents for Accompanying Dependents

(TL:VISA-185; 02-26-1999)

Each applicant must submit a signed, notarized Form I-864 (and I-864A, if needed). If, however, the principal applicant and dependents will travel together, only one complete set of supporting documents is required. The supporting documents should be included in the principal applicant's visa packet and the principal applicant's alien registration number should be recorded on each accompanying dependent's Form I-864 in the "FOR AGENCY USE ONLY" box on page 1.

9 FAM 42.73 PN 3.4-2 Documents for Following-to-Join Dependents

(TL:VISA-185; 02-26-1999)

Each applicant must submit a signed, notarized Form I-864 (and I-864A if needed). If all following-to-join applicants will travel together, only one complete set of supporting documents is required. The documents should be included in one applicant's visa packet and his or her alien registration number should be recorded on each accompanying dependent's I-864 in the "FOR AGENCY USE ONLY" box on page 1 for all following-to-join immigrants.

9 FAM 42.73 PN3.4-3 Documents for Family Members with Separate Petitions

(TL:VISA-185; 02-26-1999)

If separate petitions have been filed for family members, even accompanying or following-to-join relatives, a complete set of supporting documents is required for each principal applicant.

9 FAM 42.73 PN3.5 Using Rubber Stamp Seal and Initials in Sealing Envelopes

(TL:VISA-185; 02-26-1999)

Posts must seal all envelopes containing the visa documentation by imprinting the rubber stamp seal one time in the center where the flap is glued to the body of the envelope. The consular officer shall initial over the seal so that the initials cross the sealing edge of the flap.

9 FAM 42.73 PN3.6 Assembling Visa

(TL:VISA-185; 02-26-1999)

Posts shall place Form OF-155B on top of the envelope containing Form OF-230 and the supporting documents, aligning the upper left corners of Form OF-155B and Form OF-230 protruding through the envelope. If applicable, posts shall place these on top of the envelope containing Form OF-157. Posts shall attach Form OF-155B, Form OF-230 and supporting documents, and Form OF-157 envelope (if applicable) with two heavy-duty staples in the upper left corner of Form OF-155B, well above the space for the alien's name so as not to obscure the name. When attaching an envelope containing Form OF-157, do not have the staples go through the documents inside the envelope. Posts shall assemble individually the visas of members of a family group; they must not be attached together with staples.

9 FAM 42.73 PN4 Derivative Beneficiaries Cannot Precede Principal Alien

(TL:VISA-39; 9-28-90)

a. Posts shall prepare a stamp for use on Form OF-155B cover sheets for derivative IV aliens:

Valid only if accompanying or following to join spouse/father/mother.

b. Posts shall place this stamp at the top of Form OF-155B, preferably above the words "Immigrant Visa and Alien Registration", or in the upper margin.

c. Since an alien's plans may change after the visa is issued, posts shall not modify this stamp to indicate whether the alien will accompany or follow to join the principal alien.

9 FAM 42.73 PN5 Alien Possessing Previously Issued Form I-551

9 FAM 42.73 PN5.1 Application for Replacement Form I-551

(TL:VISA-185; 02-26-1999)

A recipient of a returning resident (SB-1) visa will normally possess a previously issued Form I-551, Alien Registration Receipt Card. If, for some reason the alien no longer possesses the form, posts shall instruct the alien to apply for a replacement on Form I-90, Application to Replace Alien Registration Receipt Card.

9 FAM 42.73 PN5.2 Inclusion of Form I-551 in Visa

(TL:VISA-185; 02-26-1999)

Posts shall include in the immigrant visa any previously issued Form I-551 possessed by the alien, including returning resident (SB-1) aliens, in the same envelope as the extra photograph.

9 FAM 42.73 PN6 Statement to be Signed by Alien of Marriageable Age Issued Visa as "Child"

(TL:VISA-18; 12-12-88)

See 9 FAM 42.72 PN1.

9 FAM 42.73 PN7 Statement to be Attached to Visa Issued Under Numerical Limitation

(TL:VISA-18; 12-12-88)

See 9 FAM 42.72 PN2.

9 FAM 42.73 PN8 Social Security Registration

(TL:VISA-185; 02-26-1999)

The Social Security Act requires that every new immigrant, regardless of age, be issued a Social Security number at the time of admission to the United States for lawful permanent residence. To facilitate the application for a Social Security number, posts shall give the alien or family group a letter of instruction [see 9 FAM 42.73 Exhibit III] along with the completed visa. Posts shall not complete Form SS-5 nor give them to the alien.

9 FAM 42.73 PN9 Selective Service Registration

(TL:VISA-185; 02-26-1999)

a. Under the provisions of the Military Selective Service Act and the Presidential Proclamation dated July 2, 1980, registration is required for males who have attained their 18th birthday but not reached their 26th birthday. Such aliens must present themselves to a U.S. Post Office designated for registration within 30 days after entering the United States.

b. All such aliens must sign Form DS-1810, Notice of Duty to Register with U.S. Selective Service System [see 9 FAM 42.73 Exhibit IV], at the time of the immigrant visa interview. Posts shall enclose the signed Form DS-1810 with the other documents in the issued immigrant visa packet. Posts shall also give to the alien a duplicate copy, printed in English and the language of the host country.

9 FAM 42.73 PN10 IRS Form 9003 Required

9 FAM 42.73 PN10.1 Requirement to Report Taxpayer Identification Number and Tax History

(TL:VISA-39; 9-28-90)

a. Section 6039E of the Tax Reform Act (TRA) of 1986 requires all immigrant visa applicants to provide their taxpayer identification numbers and information regarding their tax history for the last three years. Failure to do so may result in a \$500.00 penalty unless failure is due to reasonable cause.

b. Posts shall ensure that all immigrant visa applicants whose visas have been approved complete Form 9003, "Additional Questions to be Completed by All Applicants for Permanent Residence in the United States." This form shall also be completed for minor children. Posts need not include Form 9003 in fiance(e) visa packets.

9 FAM 42.73 PN10.1-1 Applicants Who Never Resided in United States

(TL:VISA-39; 9-28-90)

Many applicants have never resided in the United States and thus will have no tax history. Such applicants should answer "not applicable" where appropriate.

9 FAM 42.73 PN10.1-2 Applicants With False Social Security Numbers

(TL:VISA-39; 9-28-90)

Many applicants who have resided in the United States have used false social security numbers. Applicants should use those numbers, even if they are false, on the form, as any record they may have would probably be under that number.

9 FAM 42.73 PN10.2 Failure to Complete Form 9003

(TL:VISA-39; 9-28-90)

Failure to complete Form 9003 does not preclude the issuance of a visa. Posts should warn applicants, however, that failure to complete the form could subject them to penalties for non-compliance.

9 FAM 42.73 PN10.3 Placement of Form 9003 in Visa Packet

(TL:VISA-39; 9-28-90)

When assembling the immigrant visa packet, the post shall place Form 9003 directly behind Form OF-155B.

9 FAM 42.73 PN11 Maintenance of Control Records of Forms OF-155B

9 FAM 42.73 PN11.1 Storage of Forms OF-155B

(TL:VISA-18; 12-12-88)

The consular officer shall store Forms OF-155B, when not in use, at all times, in containers cleared for classified material, accessible only to American employees with appropriate security clearances.

9 FAM 42.73 PN11.2 Ledger Record of Forms OF-155B

(TL:VISA-185; 02-26-1999)

a. The consular officer shall keep a ledger record of the receipt, transfer and destruction of Forms OF-155B by serial number. The consular officer shall maintain ledger records in blank record books. The blank record books are to be available in four different sizes and are to be requisitioned from GSA on Form OF-263, Requisition for Equipment, Supplies, Furniture, etc. The consular officer shall not keep duplicate or unnecessary records.

b. The consular officer shall label the ledgers "Control Record of Forms OF-155B" and set them up as follows:

(1) **Forms Received.** At the top of each page, the consular officer shall list as a group, a block of not more than 500 forms. For example:

Forms received from the Department on July 15, 1983-- IV-137331 through IV-137830

The consular officer shall not list serial numbers separately.

(2) **Forms Destroyed.** The consular officer shall list separately, by serial number, each form that is mutilated and destroyed, with the date of destruction, on the page containing the block listing for that series. A consular officer shall initial such entries.

(3) **Forms Transferred.** The consular officer shall list, as a group, all forms transferred to another post. For example:

Forms IV-137380 through IV-137530 transferred to Paris July 15, 1983

The consular officer shall not list serial numbers separately.

9 FAM 42.73 PN11.3 Ledger Pages Numbered

(TL:VISA-18; 12-12-88)

The consular officer shall number the ledger pages in consecutive order, beginning with number 1.

9 FAM 42.73 PN11.4 OF-155B Forms Used Consecutively

(TL:VISA-185; 02-26-1999)

The consular officer should give the OF-155B forms to the visa processors in consecutive order, when possible.

9 FAM 42.73 PN11.5 Record of Forms OF-155B at Warehouse Unnecessary

(TL:VISA-18; 12-12-88)

Embassies keeping country-wide supplies need not maintain a record of Forms OF-155B at the warehousing points.

9 FAM 42.73 PN12 Post Analyses of Significant Developments in Visa Issuances

9 FAM 42.73 PN12.1 Reports to Department of Significant Changes in Post's Visa Issuances

(TL:VISA-39; 9-28-90)

a. Visa issuing officers shall report by telegram (CVIS: OPERATIONS) significant changes, as they occur, in the:

- (1) Classes of visas issued,
- (2) Types of applicants seeking visas, and
- (3) Political, economic, and psychological factors affecting the volume and character of visa issuance.

b. When appropriate, the consular officer shall address the probable effect of the reported changes on the post's future workload.

c. The consular officer shall clear the reports with political and economic officers and labor attaches assigned to the post in order to obtain their comments and avoid duplication in reporting.

9 FAM 42.73 PN12.2 Reports to Department of Unusual Backlogs at Post

(TL:VISA-185; 02-26-1999)

The consular officer shall promptly inform the Department (CA/VO/F/I), by telegram, whenever the post is unable or will be unable for two consecutive months to schedule for final appointment all qualified applicants for whom numbers are available. Reports should include a detailed analysis of the anticipated duration of the backlog and suggested steps, including personnel needs, to rectify the situation.

9 FAM 42.73 PN12.3 Reporting Schedule

(TL:VISA-185; 02-26-1999)

See 9 FAM PART IV Appendix I Exhibit II for reporting requirements.